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Attorneys for Defendant
KMART CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

20	MICHAEL GILHULY, individually,)	Case No. 4:10-cv-0360-PJH (DMR)
21	and on behalf of all others similarly)	
22	situated,)	<u>CLASS ACTION</u>
23)	
24	Plaintiffs,)	ORDER VACATING JULY 11, 2011
25)	HEARING ON DISCOVERY DISPUTES
26	vs.)	
27)	
28	KMART CORPORATION, and DOES)	Date: July 11, 2011
	1 through 100, inclusive,)	Time: 1:00 p.m.
)	Dept.: Courtroom 4, 3rd Floor
	Defendants.)	Judge: Hon. Donna M. Ryu

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1 Plaintiff Michael Gilhuly ("Plaintiff") and Defendant Kmart Corporation ("Defendant"), by
2 and through their respective counsel of record named herein, hereby respectfully request as follows:

3 **WHEREAS**, the parties appeared for a telephonic hearing before this Court on June 2, 2010;

4 **WHEREAS**, this Court issued guidance regarding the parties' outstanding discovery
5 disputes, Ordered the parties to meet and confer further regarding any known additional discovery
6 disputes, and continued proceedings until June 30, 2011 (*see Dckt. No. 41*);

7 **WHEREAS**, the parties stipulated and requested that the Court hereby continue the June 30,
8 2011 hearing until July 11, 2011 (*see Dckt. No. 42*);

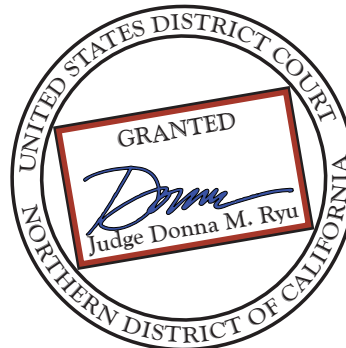
9 **WHEREAS**, the Court granted the stipulation (*see Dckt. No 43*); and

10 **WHEREAS**, the parties have met and conferred and have agreed to supplement their
11 discovery responses and there are no disputes currently pending.

12 **THEREFORE**, the parties, through their undersigned respective counsel, request that the
13 Court hereby vacate the July 11, 2011 hearing.

14
15 **IT IS SO ORDERED.**

16
17 Dated: 7/11/2011



18
19 By: _____

20 Honorable Donna M. Ryu
21 United States Magistrate Judge
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